By: Delegates Bronrott, Mandel, G. Clagett, Cryor, Sossi, Anderson, Barkley, Barve, Benson, Bobo, Bohanan, Boschert, Boteler, Boutin, Bozman, Bromwell, Cardin, V. Clagett, Cluster, Conway, DeBoy, Donoghue, Dumais, Eckardt, Elmore, Feldman, Franchot, Frush, Fulton, Gaines, Goldwater, Gutierrez, Haddaway, Hammen, Hixson, Holmes, Hurson, James, Kach, Kelley, King, Kullen, Lee, Leopold, Madaleno, Marriott, McComas, McConkey, McHale, McKee, Menes, Miller, Moe, Montgomery, Murray, Nathan-Pulliam, Niemann, Paige, Parker, Pendergrass, Petzold, Ramirez, Ross, Shank, Shewell, Simmons, Stern, Stull, Taylor, V. Turner, and Weldon

Introduced and read first time: January 31, 2005 Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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Motor Vehicles - Learners' Permits and Provisional Licenses - Restriction on Use of a Wireless Communication Device While Driving

4 FOR the purpose of requiring the Motor Vehicle Administration to impose a

- 5 restriction on learners' instructional permits and provisional drivers' licenses
- 6 that prohibits permit holders or licensees from using certain types of wireless
- 7 communication devices while operating a motor vehicle; providing for certain
- 8 exceptions; defining certain terms; making a stylistic change; clarifying
- 9 language; and generally relating to the use of certain wireless communication
- 10 devices by holders of learners' instructional permits or provisional drivers'
- 11 licenses under certain circumstances.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Transportation
- 14 Section 16-113
- 15 Annotated Code of Maryland
- 16 (2002 Replacement Volume and 2004 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

18 MARYLAND, That the Laws of Maryland read as follows:

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Article - Transportation

2 16-113.

3 (a) (1) In addition to the vision and other restrictions provided for in this 4 subtitle, when it issues a driver's license, the Administration for good cause may 5 impose on the licensee:

6 (i) Any restrictions suitable to the licensee's driving ability with 7 respect to the type of special mechanical control devices required on motor vehicles 8 that the licensee may drive;

9 (ii) An alcohol restriction which prohibits the licensee from driving 10 or attempting to drive a motor vehicle while having alcohol in the licensee's blood; and

(iii) Any other restrictions applicable to the licensee that the
Administration determines appropriate to assure the safe driving of a motor vehicle
by the licensee.

14 (2) An alcohol restriction that prohibits the licensee from driving or 15 attempting to drive a motor vehicle while having alcohol in the licensee's blood may, 16 as described in subsections (b) and (g) of this section, include a restriction that 17 prohibits the licensee from driving or attempting to drive a motor vehicle unless the 18 licensee is a participant in the Ignition Interlock System Program established under 19 § 16-404.1 of this title.

20(b)(1)Notwithstanding the licensee's driving record, the Administration21shall impose on each licensee under the age of 21 years an alcohol restriction that22prohibits the licensee from driving or attempting to drive a motor vehicle while

23 having alcohol in the licensee's blood.

24 (2) An alcohol restriction imposed under this subsection expires when 25 the licensee reaches the age of 21 years.

26 (3) This subsection may not be construed or applied to limit:

27 (i) The authority of the Administration to impose on a licensee an 28 alcohol restriction described in subsection (a)(2) of this section; or

(ii) The application of any other provision of law that prohibits
consumption of an alcoholic beverage by an individual under the age of 21 years.

31 (4) An individual under the age of 21 years who is convicted of a violation
32 of § 21-902(a), (b), or (c) of this article may be required, for a period of not more than
33 3 years, to participate in the Ignition Interlock System Program in order to retain the
34 individual's driver's license.

35 (c) (1) Subject to the provisions of paragraph (2) of this subsection, the 36 Administration may:

3	UNOF	FICIAL COPY OF HOUSE BILL 394	
1	(i)	Issue a special restricted license; or	
2	(ii)	Set forth the restrictions on the usual license form.	
3 (2) The Administration shall indicate on the license of a licensee under 4 the age of 21 years that an alcohol restriction has been imposed on the licensee under 5 subsection (b) of this section.			
6 (d) (1) Notwithstanding the licensee's driving record, the Administration 7 shall impose an hour restriction on a provisional driver's license issued to an 8 applicant under the age of 18 YEARS.			
9 (2) The restriction under this subsection shall limit the holder of a 10 provisional license to driving unsupervised only between the hours of 5 a.m. and 12 11 midnight.			
12 (3) 13 from driving betwee 14 licensee is:	3 from driving between the hours of 12 midnight and 5 a.m. the following day if the		
15 16 21 years old;	(i)	Accompanied and supervised by a licensed driver who is at least	
17	(ii)	Driving to or from or in the course of the licensee's employment;	
18	(iii)	Driving to or from a school class or official school activity;	
19	(iv)	Driving to or from an organized volunteer program; or	
20 21 event or related train	(v) ning sessio	Driving to or from an opportunity to participate in an athletic on.	
 (4) The hour restriction and the supervision requirement under this subsection expire on the date the holder of the provisional license turns 18 years of age. 			
25 (d-1) (1) 26 MEANINGS INDIC	(I) CATED.	IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE	
27 (II) "9-1-1 SYSTEM" HAS THE MEANING STATED IN § 1-301 OF THE 28 PUBLIC SAFETY ARTICLE.			
29	(III)	"WIRELESS COMMUNICATION DEVICE" MEANS:	
30 31 A WIRELESS TEL	EPHONE	1. A HANDHELD OR HANDS-FREE DEVICE USED TO ACCESS SERVICE; OR	
32		2. A TEXT MESSAGING DEVICE.	

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(2)Notwithstanding the licensee's driving record, and subject to 1 2 paragraph [(2)] (4) of this subsection, the Administration shall impose a restriction on 3 each provisional driver's license prohibiting the licensee from: 4 IF THE LICENSEE IS UNDER 18 YEARS OF AGE, operating a (I) 5 motor vehicle if the driver and each passenger in the motor vehicle are not restrained 6 by a seat belt or, in accordance with § 22-412.2 of this article, by a child safety seat; 7 OR USING A WIRELESS COMMUNICATION DEVICE WHILE 8 (II)9 OPERATING A MOTOR VEHICLE. 10 (3)NOTWITHSTANDING THE DRIVING RECORD OF A HOLDER OF A 11 LEARNER'S INSTRUCTIONAL PERMIT, AND SUBJECT TO PARAGRAPH (4) OF THIS 12 SUBSECTION, THE ADMINISTRATION SHALL IMPOSE A RESTRICTION ON EACH 13 LEARNER'S INSTRUCTIONAL PERMIT PROHIBITING THE HOLDER FROM USING A 14 WIRELESS COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE. 15 [(2)] (4)It is not a violation of the restriction [under]: 16 UNDER paragraph [(1)] (2)(I) of this subsection if an individual (I) 17 covered by a medical exception under § 22-412.2(f) or § 22-412.3(d) and (e) of this 18 article is not restrained; 19 (II) UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION IF THE 20 LICENSEE USES A WIRELESS COMMUNICATION DEVICE TO CONTACT A 9-1-1 SYSTEM; 21 OR 22 UNDER PARAGRAPH (3) OF THIS SUBSECTION IF THE HOLDER (III) 23 OF A LEARNER'S INSTRUCTIONAL PERMIT USES A WIRELESS COMMUNICATION 24 DEVICE TO CONTACT A 9-1-1 SYSTEM. 25 The restrictions under paragraph (1) of this subsection expire on the [(3) 26 date that the holder of a provisional license turns 18 years of age.] 27 In addition to the other restrictions provided under this subtitle, the (e) (1)28 Administration may issue: 29 A driver's license that is valid only in the State of Maryland to (i) 30 an applicant who has been suspended in another jurisdiction as a result of failing to 31 comply with the financial responsibility requirements of that jurisdiction; or 32 (ii) A temporary driver's license that is valid only in the State of 33 Maryland to an applicant for reinstatement of a suspended or revoked driver's 34 license, renewal of a driver's license, or a duplicate or corrected driver's license if, at 35 the time of application: 36 1. The applicant's privilege to drive in another jurisdiction is 37 revoked or suspended as a result of failing to comply with the licensing requirements

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1 of that jurisdiction for which a comparable violation in this State would not have

2 resulted in revocation or suspension;

3 2. The initial violation that led to the revocation or
4 suspension did not occur within the preceding 5 years;

53.The applicant is otherwise qualified to be licensed in this6 State; and

7
4. The Administration determines that the applicant will be
8 able to take any actions required by the other jurisdiction for reinstatement of the
9 privilege to drive in that jurisdiction.

10 (2) A temporary license issued under paragraph (1) of this subsection 11 shall be valid for 90 days.

12 (3) The Administration shall adopt regulations for the issuance of 13 temporary licenses under paragraph (1) of this subsection.

14 (f) After receiving satisfactory evidence of any violation of a restricted or
15 provisional driver's license, the Administration may suspend or revoke the license.
16 However, the licensee may request a hearing as provided for a suspension or

17 revocation under Subtitle 2 of this title.

18 (g) (1) The Administration shall impose an alcohol restriction under

19 subsection (a)(1)(ii) of this section that prohibits an individual for a period of 3 years

20 from driving or attempting to drive with alcohol in the individual's blood on any21 licensee who is convicted within 5 years of any combination of two or more violations

22 under § 21-902(a), (b), or (c) of this article.

(2) If a circuit court or the District Court orders a licensee not to drive or
attempt to drive a motor vehicle with alcohol in the licensee's blood or orders, under §
27-107 of this article, the licensee to participate in the Ignition Interlock System
Program established under § 16-404.1 of this title, the Administration shall have the
licensee's driving record and driver's license reflect that the court ordered restriction
was imposed, and shall keep records of the order.

29 (h) An individual may not drive a vehicle in any manner that violates any30 restriction imposed by the Administration in a restricted license issued to the31 individual.

32 (i) An individual may not drive a vehicle in any manner that violates any 33 restriction imposed in a provisional license issued to the individual.

34 (j) An individual may not drive or attempt to drive a motor vehicle with 35 alcohol in the individual's blood in violation of a restriction imposed by a court.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 37 effect October 1, 2005.